



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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December 23, 2009

Ms. Susan K. Haberstroh
Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 13 DE Reg. 759 [DOE Goals for Instruction & Instruction-related Expenditures]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to adopt a new regulation establishing financial goals for instruction-related expenditures for districts and charter schools. The regulation was published as 13 DE Reg. 759 in the December 1, 2009 issue of the Register of Regulations. Council has the following observations.

First, the regulation is prompted by enactment of H.S. 1 for H.B. 119 signed by the Governor on August 13, 2009. In relevant part, the bill recites as follows:

§1510. Department Oversight of District Spending.

By December 1, 2009, the Department of Education shall promulgate regulations that set goals for Delaware school districts and charter schools with respect to the percentage of cumulative revenues that shall be used for instruction and instruction-related expenditures, as those terms are used by the National Center for Education Statistics (NCES) or its successor organization. In promulgating regulations, the Department shall consider incorporation of spending that has a direct educational impact on students but that is not reflected in existing NCES categories. The Department of Education shall gather statistics reflecting schools' status with respect to the goals established under this Section, and shall promulgate annual reports describing schools' status with respect to those goals.

Second, while recognizing that the definition of "expenditures" in §2.0 is derived from the NCES

definition of the term, the exemption of “agency transactions” from counting as an “expenditure” is not intuitive. There is no definition of “agency transaction”. The DOE may wish to consider clarification.

Third, in §2.0, definition of “local educational agency”, the DOE may wish to insert “, middle” after the term “public elementary” and insert “, middle school” after the term elementary school”.

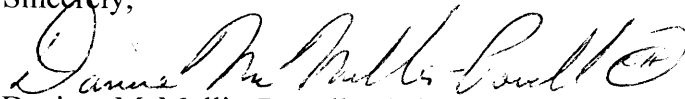
Fourth, in §3.3, it would be preferable to insert “following the end of the school year” after “July 15th”. This would conform to the approach in §4.2.

Fifth, in §4.2, the DOE should consider substituting “district’s and charter school’s status” for “district and charter school status”.

Sixth, §4.2 requires the DOE to report on expenditure data for the 2008-2009 school year by March 10, 2010. However, there is no regulation requiring districts and charter schools to provide the DOE with the information for such a report. Section 3.3 imposes the duty to report data to the DOE beginning with the 2009-2010 school year.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations on the proposed regulation.

Sincerely,



Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Lillian Lowery
Dr. Teri Quinn Gray
Ms. Martha Toomey
Ms. Paula Fontello, Esq.
Ms. Mary Cooke, Esq.
Mr. John Hindman, Esq.
Mr. Charlie Michels
Mr. Brian Hartman, Esq.
Developmental Disabilities Council
Governor’s Advisory Council for Exceptional Citizens

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